

LAW No.03/L –223

ON THE KOSOVO JUDICIAL COUNCIL

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Approves

THE LAW ON THE KOSOVO JUDICIAL COUNCIL

**CHAPTER I
BASIC PROVISION**

**Article 1
Purpose and Scope of the Law**

This law regulates the organization and functions of the Kosovo Judicial Council (KJC), including the procedures for the recruitment, appointment, reappointment, transfer, discipline, assessment, promotion and training of judges and lay judges; for the overall management and administration of the courts; for development of oversight of the budget of the judiciary; and for the establishment of new courts and new branches.

**Article 2
Definitions**

1. Terms used in this law have the following meanings:

1.1. **Constitution** -the Constitution of the Republic of Kosovo.

1.2. **Comprehensive Settlement Proposal** - the Comprehensive Settlement Proposal for the Kosovo Status Settlement, 26 March 2007.

1.3. **Council** - the Kosovo Judicial Council, an independent institution responsible for administering the courts as provided in of the Constitution of Republic of Kosovo and in this law.

1.4. **Days** - calendar days.

1.5. **Judiciary** - judges and lay judges.

1.6. **Chairperson** - the person elected by the membership of the Kosovo Judicial Council according to the Constitution as the chairperson of the Kosovo Judicial Council and who serves as the chief administrative official of the Kosovo judiciary.

1.7. **President** - the President of the Republic of Kosovo.

1.8. **Secretariat** - the unit established within the Judicial Council for the purpose of providing administrative support to the Council and the courts.

1.9. **Director of the Secretariat** - the head of the Secretariat.

1.10. **Institute** - the Kosovo Judicial Institute (KJI).

1.11. **Temporary Council** - the Council established by the Law on the Temporary Composition of the Kosovo Judicial Council, 2008/03-L-123.

1.12. **Kosovo Prosecutorial Council (KPC)** - the body established in Article 110 of the Constitution and regulated by the Law on the Kosovo Prosecutorial Council of the Republic of Kosovo.

CHAPTER II COMPETENCIES, RESPONSIBILITIES AND COMPOSITION OF THE COUNCIL

Article 3 Council Independence

The Council is a fully independent institution in the performance of its functions with the purpose of ensuring an independent, fair, apolitical, accessible, professional and impartial judicial system which reflects the multiethnic nature of the Republic of Kosovo and applies the Constitution as well as internationally recognized principles of human rights and gender equality.

Article 4 Competencies and Responsibilities

1. The Council's responsibilities include, but are not limited to the following:

1.1. ensuring the independence and impartiality of the judicial system;

1.2. recruiting and proposing candidates for appointment and reappointment of judges, including candidates from Communities that are not majority in Kosovo;

1.3. in order to ensure that courts reflect the ethnic composition of their area of jurisdiction in accordance with Article 104 (3) of the Constitution and Annex IV, Article 2.2, of the Comprehensive Settlement Proposal, the Council shall consider filling vacancies or reserving seats for members of the Communities that are not majority in Kosovo;

1.4. proposing to the President the appointment, reappointment, and dismissal of judges, as foreseen by the Constitution and this law;

1.5. promulgating regulations on the transfer and disciplinary procedure for judges;

1.6. proposing to the President the appointment of the President of the Kosovo Supreme Court;

1.7. proposal for appointing the President Judges of the Court of Appeals and of the Basic Courts and appointing Supervising Judges in compliance with the Law on Courts;

1.8. organizing and managing the proper functioning of courts;

1.9. providing for the regular periodic assessment of the caseloads of the courts and implementing a case allocation system to ensure the efficient functioning of the courts;

1.10. overseeing judicial inspection, judicial administration and issuing internal regulations for the courts in compliance with this law;

1.11. preparing, submitting and overseeing the budget of the judiciary to ensure efficient court functioning and accounting for the use of fiscal resources;

1.12. announcing the public competition for judges and lay judges;

1.13. determining the number of judges in each court and branch and supervision of court administrators;

- 1.14. making recommendations to the Assembly for establishing new courts and new branches;
- 1.15. administering the judiciary and its personnel and issuing regulations and sub-legal acts in accordance with its competencies;
- 1.16. promulgating the code of professional ethics for the Council's members, the violation of which provides grounds for sanctions, including dismissal from the Council;
- 1.17. promulgating the code of professional ethics for judges and lay judges, the violation of which provides grounds for sanctions, including dismissal from office;
- 1.18. promulgating a code of ethics for court support employees, the violation of which constitutes grounds for sanctions, including dismissal from employment;
- 1.19. in cooperation with the Institute, organizes the preparatory examination for the qualification of judge candidates;
- 1.20. determining policies, standards and instructions related to the training of judges, lay judges, and other judiciary personnel and overseeing the implementation of professional training of judges and lay judges by the Institute or other training associations organizations;
- 1.21. providing and publishing information and statistical data on the judicial system;
- 1.22. cooperating with individuals and organizations responsible for independently monitoring the judicial system;
- 1.23. promulgating sub-legal acts consistent with public information laws related to the management and disclosure of information retained by the Kosovo judiciary;
- 1.24. approving the rules of procedure for the functioning of the Council and its committees, and for the election of those judicial members selected by their peers, rules which shall be publicly available;
- 1.25. reporting to the Kosovo Assembly, the President, and the public on the work of the Council and the judiciary in general;
- 1.26. preparing an annual report on the activities of the courts and the expenditures of the Council;
- 1.27. promulgating a uniform schedule of court fees applicable throughout the Republic of Kosovo.

Article 5

Composition and Selection of Members of the Council

1. The Council shall be composed of thirteen (13) members as provided for in the Constitution having the necessary professional qualifications and expertise.
2. The five (5) judicial members of the Council selected pursuant to Article 65 (10) and Article 108.6 (1) of the Constitution shall be as follows:
 - 2.1. two (2) judges of the Supreme Court, elected by the judges of the Supreme Court;
 - 2.2. one (1) judge of the Court of Appeals, elected by the judges of the Court of Appeals; and
 - 2.3. two (2) judges of the Basic Courts, elected by the judges of the Basic Court.
3. Other members of the Council shall be selected in compliance with article 65 and Article 108 paragraph 6. point 2, 3 and 4 of the Constitution of Republic of Kosovo.

4. Members of the Council may be persons who are not judges or prosecutors but who are external jurists, university professors or other professionals with a minimum of ten (10) years of relevant experience and who have knowledge of the Kosovo justice system. All members of the Council must be capable to contributing the management and functioning of the courts in Kosovo. Well-respected professionals may be appointed from outside the legal field and may include persons with expertise in management, finance, information technology or social sciences.

Article 6

Chairperson and Vice-Chairperson of the Council

1. The Chairperson and Vice-Chairperson shall be elected from the members of the Council as provided in Article 108(7) of the Constitution. The election as the Chairperson or Vice-Chairperson shall not extend the term of a Council member.

2. The Chairperson of the Council shall serve as full-time member of the Council. If the Chairperson is a judicial member he or she shall not lose his or her status as a judge and shall have the right to return to service as a judge of the court to which they have been appointed upon completing the term of Office. The Chairperson shall have the following authorizations:

2.1. chair all meetings of the Council;

2.2. approve the preparation of all agendas and items to be submitted to the Council for its consideration and decision;

2.3. represent the Council before the public, government agencies and other public bodies;

2.4. oversee and manage the work of the Council and its committees;

3. Proposes to the Ministry of Finance and to the Kosovo Assembly the Council's proposed budget for the operational and personnel expenses of the Council and the courts;

4. Appears at least annually before the Kosovo Assembly and reports on the performance, operations, expenditures, and needs of the Kosovo judiciary;

5. With the consent of the Council, appoints the members of the standing committees provided in this law; and undertakes other duties as the Council may direct.

6. The Vice-Chairperson shall fulfil the responsibilities and duties of the Chairperson in his or her absence. The Vice-Chair shall have full authority to act on behalf of the Council in the absence or incapacity of the Chairperson.

7. During their mandate, the Chairperson and Vice-Chairperson shall receive the following compensation:

7.1. the Chairperson shall receive the salary in effect for the President of the Supreme Court.

7.2. the Vice-chairperson shall receive the salary in effect for the President of the Court of Appeals.

8. During their mandate, the Chairperson and Vice-chairperson shall receive only the salary provided in this Article, except for reimbursement of reasonable and necessary expenses associated with the exercise of their duties, and shall not accept additional compensation for other duties or employment from any other source. If the Chairperson or Vice-chairperson is a judge, upon expiration of their service they shall receive the compensation associated with the judicial position to which they have been originally appointed and to which they will return.

Article 7

Term of the Council Members

Except as provided in Article 151 of the Constitution and the Comprehensive Settlement Proposal, Annex IV, Article 4.2, Council members are elected to a five (5) year term, as provided in Article 108(6) of the

Constitution and this law. A member may be elected to one additional non-consecutive term of five (5) years.

Article 8 Termination of the Term

1. The term of a Council member terminates:

1.1. when deceased;

1.2. upon loss of capacity to act for more than three (3) months due to certified medical reasons;

1.3. upon consistent failure to attend to Council activities for more than three (3) months; if appointed on the basis of a particular status, upon cessation of the status upon which the appointment is based;

1.4. upon resignation by providing the Council with advance notice of thirty (30) days;

2. When convicted of a criminal offence, with the exception of minor offences as defined by law.

3. Except as provided in Article 151, a vacancy on the Council shall be filled in the manner provided for in Article 108 of the Constitution and this law. If a vacancy occurs on the Council prior to the expiration of the term, the vacant position shall be filled according to the criteria in Article 108 of the Constitution and this law. A person selected to fill a vacancy on the Council shall be appointed for a full five (5) year term.

Article 9 Committees of the Council

1. The Council has the following permanent committees:

1.1. the Committee for Normative Issues;

1.2. the Committee for Budget, Finances and Personnel;

1.3. the Committee for Court Administration; and

1.4. the Disciplinary Committee.

2. The Council may establish such other permanent or temporary committees as it considers necessary.

Article 10 Independence and Impartiality of the Council Members

Council members shall exercise their duties in an independent and impartial manner.

Article 11 Incompatibility with Membership

1. It shall be incompatible with membership on the Council, within the meaning of Article 108 (5) (6) of the Constitution, to be:

1.1. one (1) judge or prosecutor who has not been appointed to office;

1.2. a person who has been convicted of a criminal offence, with the exception of minor offences as defined by law;

1.3. a member of the Government of the Republic of Kosovo or any mayor; a member of the Assembly of the Republic of Kosovo or any municipal assembly;

1.4. a person who exercises function or performs any duties in any political party or in any associations or foundations connected to any political party; or

1.5. a person who works for the administration, including persons performing duties in the Government of the Republic of Kosovo or in administrative or sub-administrative bodies established by the Constitution or created by legislation.

1.6. one (1) elected member of the Council shall be dismissed from the Council if they do not resign from an incompatible position before taking their appointment as a member of the Council.

Article 12 Immunity of Council Members

1. Council members shall enjoy immunity from prosecution, civil lawsuit or dismissal for actions taken, decisions made, or opinions expressed that are within the scope of their responsibilities as Council members.

2. Council members shall not enjoy immunity under paragraph 1 of this Article and may be removed from office if they have committed an intentional violation of the law.

3. When a Council member is indicted or arrested, he/she shall give notice to the Chairperson of the Council without delay.

Article 13 Disciplinary Procedures for Council Members

1. The Council shall determine the disciplinary rules and procedures applicable to its members, including the procedures governing the investigation, suspension or recommendation of dismissal of any Council member.

2. One (1) committee composed of three (3) members, established by the Chairperson, shall decide on the grounds for discipline and sanction, including the suspension and dismissal, of any Council member.

3. One (1) member who is suspended by the committee is entitled to an appeal to the full Council within fifteen (15) days of a suspension decision.

4. Upon recommendation of the committee, one Council member may be dismissed by a two-thirds (2/3) votes of the Council members.

5. One (1) Council member who is dismissed is entitled to appeal the decision directly to the Supreme Court within fifteen (15) days of a dismissal decision.

Article 14 Public Nature of Meetings and Residency of the Council

1. All meetings of the Council are open to the public. The agenda for Council meeting shall be publicly disclosed at least twenty four (24) hours in advance of the meeting. The Council may decide to hold a meeting upon majority vote of the members where the following will be discussed:

1.1. an official state secret the disclosure of which would be a violation of law;

1.2. personnel matters concerning a judge, lay judge, or employee, except that a meeting of the Council at which a final disciplinary action is taken against a judge or lay judge shall be opened;

1.3. non-public information or data disclosure which would endanger the life or safety of any person;

1.4. an on-going investigation into misconduct or criminal activity the disclosure of which would reasonably endanger the objectivity and efficiency of the investigation;

1.5. performance assessments of judges and court administrative employees as provided in Article 19 of this law;

1.6. proprietary information the disclosure of which may prejudice the interests of any party competing for a government tender;

1.7. proprietary business information, data, processes or computer codes which are confidential under a contractual agreement or nondisclosure agreement between a vendor and the Council; or

1.8. any other information the disclosure of which would constitute a violation of law.

2. For every meeting closed by the Council, the Chairperson shall state on the record the general reason or reasons for closing the meeting and shall record the vote of the members of the Council present. Once the Council has closed a meeting, no member of the Council or any person attending the meeting shall discuss of the nature, content or outcome of the meeting unless otherwise foreseen by the law.

3. An urgent meeting of the Council may be called to address issues related to the safety and security of facilities or court personnel, or where exceptional circumstances require immediate action. The Council may convene an urgent session upon the call of the Chairperson or Vice-chairperson, in the absence of the Chairperson. The forty-eight (48) hour announcement requirement of paragraph 1 of this article is waived as to emergency sessions of the Council. The Chairperson shall within twenty-four (24) hours of the end of an emergency session disclose to the public the nature of the emergency and the items discussed at the meeting, unless exempt from disclosure by paragraph 1 of this Article.

4. The quorum for the Council meetings shall be of nine (9) members and Council decisions shall be made by simple majority vote of the members present, unless otherwise provided by law.

5. The seat of the Council shall be located in Pristina.

Article 15 Annual Budget Proposal

1. The Council shall, in consultation with the President Judges, prepare the annual operating budget of the Council and the courts. The Council shall submit the proposed budget directly to the Government as provided by law. If the Minister of Finance and Economy submits a budget for the Council and the courts that differs from that proposed by the Council, the Minister of Finance and Economy shall also submit to the Kosovo Assembly for its consideration the Council's originally recommended budget and any comments thereon.

2. The Council shall manage the annual budget for the Council and the courts independently and is responsible for overseeing expenditures, allocating funds, and maintaining accurate and current accounts and conducting financial audits.

CHAPTER III RECRUITMENT, NOMINATION AND APPOINTMENT OF JUDGES

Article 16 Recruitment of Judges and Lay Judges

1. The Council shall by public advertisement invite all qualified legal professionals to apply to be candidates for judicial nominations and any qualified person to apply to be candidates for nominations to be lay judges.

2. The Council shall develop and implement procedures for recruiting and nominating candidates for appointment as judges and lay judges that comply with the Constitution and applicable law.

3. In accordance with Article 104(3) of the Constitution and the Comprehensive Settlement Proposal, Annex IV, Article 2.2, the Council shall implement targeted recruitment campaigns and other measures that it considers necessary and appropriate to ensure that a court or branch reflect the ethnic composition of their area of jurisdiction.

Article 17 Appointment and Reappointment Proposal

1. The Kosovo Judicial Council shall take such measures as are necessary to increase the number of judges from Communities that are not in the majority in Kosovo among judges serving in Kosovo or in any part thereof. To fulfill its responsibilities, the Council shall, *inter alia*, give preference, among equally qualified applicants for service as judges to members of Communities that are not in the majority in Kosovo as provided for in Article 108 of the Constitution and the Comprehensive Settlement Proposal, Annex IV, Article 2.

2. Upon completion of each census and at least every five (5) years, the Council shall study the ethnic composition of the Basic Courts and shall request from the Assembly such funding as is necessary to increase the number of judges from Communities that are not in the majority in Kosovo to ensure that the courts reflect the ethnic composition of the area of their jurisdiction.

3. Before submitting a nomination for the appointment or reappointment of a judge, the Council shall take into consideration the opinion of the respective court to which the candidate is proposed.

4. The Council shall submit written proposals of candidates for judges and lay judges to the President of the Republic of Kosovo for appointment in compliance with the Constitution and the law. In nominating a candidate for appointment or reappointment, the Council shall take into account, amongst other considerations, the following criteria:

4.1. professional knowledge, work experience and performance, including an understanding of, and respect for human rights;

4.2. capacity for legal reasoning as proven through professional activities in the legal field, including as a judge, prosecutor or lawyer, academic work and other professional activities;

4.3. professional ability based on previous career results, including participation in organized forms of training in which performance has been assessed;

4.4. capability and capacity for analyzing legal problems;

4.5. ability to perform impartially, conscientiously, diligently, decisively and responsibly the duties of the office;

4.6. communication abilities;

4.7. conduct out of office; and

4.8. personal integrity.

5. All proposals for appointment and reappointment of judges and lay judges shall be justified in writing.

Article 18 Appointment and Reappointment of Judges and Lay Judges

1. The President shall appoint and reappoint judges and lay judges upon the proposals of the Council and in compliance with the Constitution and the law.

2. If the President of Kosovo refuses to appoint or reappoint any candidate, the President shall within sixty (60) days provide written reasons for his refusal to the Council. The Council may present the refused candidate to the President one additional time together with its written justification, or the Council may propose another candidate.

CHAPTER IV
ASSESSMENT, PROMOTION AND TRANSFER OF JUDGES AND LAY JUDGES

Article 19
Performance Assessment of Judges

1. The manner and procedure for performance assessments of judges and lay judges shall be established by regulations and rules developed and issued by the Council.
2. The Council shall establish criteria for assessing and promoting judges and lay-judges that includes but is not limited to the following:
 - 2.1. professional knowledge, work experience and performance, including an understanding of, and respect for human rights;
 - 2.2. capacity for legal reasoning;
 - 2.3. professional ability, based on results of the previous carrier, including participation in organized forms of training in which performance has been assessed;
 - 2.4. capability and capacity for analyzing legal problems;
 - 2.5. ability to perform impartially, conscientiously, diligently, decisively and responsibly the duties of the office;
 - 2.6. communication abilities;
 - 2.7. conduct out of office; and
 - 2.8. personal integrity.
3. If the performance of a judge or lay-judge who is a Council member is being assessed, the judge or lay-judge may not participate in deliberations or voting of the Council.
4. Every judge or lay judge who is assessed shall receive the assessment results and may present written objections to any conclusions or findings.

Article 20
Transfer of Judges

1. Upon the approval of the respective President Judges, the Council may transfer a judge into another court for a time period, not longer than six (6) months at any one time.
2. The transfer as per paragraph 1 of this article may be made in cases when the other court has insufficient judges for hearing particular cases under its competency.
3. The Chairperson of the Council, for extraordinary circumstances, may temporarily transfer a judge to another court or branch of the court. Any transfer under this provision shall not exceed thirty (30) days unless approved for a longer period by the Council.
4. Judges may not be transferred into any other court against their will, except as necessary to ensure the efficient functioning of the courts or to address extraordinary circumstances.
5. Judges may apply to the Council to be permanently transferred to another court.

6. Judges are entitled to an appeal directly to the Supreme Court against a decision of the Council making a permanent relocation or a transfer that exceeds six (6) months. The Council shall promulgate rules and regulations establishing the standards and procedures governing the appeals.

7. Where a permanent relocation or a transfer that exceeds six (6) months is made, the Council shall strive to ensure that the relocation or transfer will not change the ethnic composition of the courts which are affected by the relocation or transfer.

CHAPTER V ADMINISTRATION OF THE COURTS

Article 21 Functioning of the Courts

The Council shall oversee the functioning of the courts of the Republic of Kosovo and shall determine the policies and strategies for the efficient and effective functioning of the courts. The Chairperson of the Council shall be the chief administrative official of the courts and, together with the Council, shall be responsible for the efficient and effective operation of the courts. The Chairperson may make appropriate delegations of authority.

Article 22 Appointment of President Judges and Supervising Judges

1. The President of the Supreme Court of Kosovo shall be appointed as provided in Article 103(4) of the Constitution.

2. The President Judges shall be appointed by the Council in consultation with the judges of the respective courts. In appointing President Judges, the Council shall take into consideration specialized managerial training or experience.

3. The Council, in consultation with the President Judge of a Basic Court, shall appoint a Supervising Judge for each Branch of the Basic Court.

4. The Council, in consultation with the President Judge of a Court, may appoint a deputy President Judge who shall assist in the management of the court and serve as Acting President Judge in the absence of the President Judge.

5. President Judges are appointed for a four (4) year term, with the possibility for reappointment to one (1) additional term. After the completion of the term as President Judge, the judge shall continue to serve as a judge in the same court to which they were originally appointed.

6. Supervising Judges are appointed for a four (4) year term, with the possibility of reappointment to one (1) additional term. After the completion of the term as Supervising Judge, the judge shall continue to serve as a judge in the same court to which they were originally appointed.

7. If a candidate proposed for President Judge is at the same time a member of the Council, the member shall not participate in deliberations or voting for his or her appointment as President Judge.

8. In order to ensure that the courts reflects the multiethnic nature of Kosovo, the Council shall endeavour to ensure that members of Communities that are not in the majority in Kosovo shall be appointed to management roles in the judiciary, including as President Judges and Supervising Judges.

Article 23 Removal of President Judges and Supervising Judges

1. Except as provided in Article 103(4) of the Constitution, a President Judge or a Supervising Judge may be removed from that position by the Council upon a conviction of a criminal offence, with the exception of minor offences as defined by law, or upon a finding by the Council of mismanagement, corruption, incompetence or a failure to fulfil the duties of the office. The Council shall take into consideration the

opinion of the judges of the respective court or branch of the court. Removal of a President Judge or Supervising Judge does not constitute dismissal from judicial office.

2. A President Judge or Supervising Judge may be suspended from that position by the Council during a period of investigation into allegations of corruption, mismanagement, incompetence, or failure to fulfil their duties, which suspension shall not constitute a suspension from judicial office. In the event the Council suspends a President Judge, the deputy President Judge shall become Acting President Judge until such time as the Council withdraws the suspension or a new President Judge is appointed. In the event the Council suspends a Supervising Judge, the Council shall appoint an Acting Supervising Judge until such time as the Council withdraws the suspension or a new Supervising Judge is appointed.

Article 24 President Judge Responsibilities

1. The President Judge of each Basic Court and of the Court of Appeals shall be responsible for the day-to-day administration of the court consistent with rules and procedures established by the Council. The President Judge shall organize and coordinate the functioning of the court; oversee the court's financial activities; and undertake such other activities as provided by the rules, procedures or directives established by the Council.

2. The President Judge of a Court may authorize the employment, disciplinary measures toward, and the termination of non-judicial personnel in accordance with the applicable personnel regulations.

3. The President Judge of a Court shall have general administrative authority and shall ensure the efficient and effective administration of justice by all branches, departments and divisions of the court. The President Judge shall, in collaboration with the judges of the court, develop the annual case management plan and assign cases to departments and judges in a manner to ensure the efficient disposition of cases. The President Judge of a Court shall submit annually to the Council a report on the success of implementing the previous annual case management plan. The President Judge of a Court shall submit quarterly to the Council a written report that addresses the work of the Court, identifies any problems facing the court, and proposes remedial steps to address such problems. The President Judge shall take such other steps as necessary within the rules and directives of the Council to ensure the effective management of the Court and its resources and the timely adjudication of cases. The President Judge may make appropriate delegations of authority.

4. The President Judge is responsible for ensuring that the court and its processes are open and transparent to the public. Quarterly reports and annual case management plans shall be made public after review and acceptance by the Council.

5. The President Judge is responsible for ensuring public access to the courts, including access for persons from Communities that are not in the majority in Kosovo.

6. The President Judge shall annually convene a meeting of all judges of that court to confer on the administration of justice within the court; to study the organization of the court; to review and propose modification to procedures and practices; to examine the work accomplished by the court; and address any problems of administration confronting the court. The President Judge shall within ninety (90) days submit to the Council a report on the results of the annual meeting of the judges.

7. The President Judge may delegate certain competencies.

Article 25 Responsibilities of Supervising Judges of the Basic Court

1. The Supervising Judge of a Branch of the Basic Court shall have general administrative authority over all judicial and administrative personnel within the branch. The Supervising Judge shall implement within the branch the rules and directives of the Council and the directives of the President Judge of the Basic Court. The Supervising Judge shall report quarterly to the President Judge of the Basic Court on the needs and operations of the branch.

2. The Supervising Judge may make appropriate delegations of authority.

Article 26
The Conference of President Judges and Supervising Judges

1. The Council shall establish an advisory body entitled the Conference of President Judges and Supervising Judges to advise the Council on matters related to the operations of the courts.

2. The Conference shall consist of the President of the Supreme Court, the President Judge of the Court of Appeals, the President Judges of the Basic Courts and one Supervising Judge from each of the Basic Courts appointed by the Council.

3. The Conference shall exercise only advisory powers subject to regulations issued by the Council. The Council may invite the Conference or individual members of the Conference to attend Council meetings when the Council determines, in its exclusive discretion, that such attendance would be helpful to the Council.

Article 27
Council Secretariat

1. The Secretariat is established to assist the Council and to implement the rules, regulations and policies of the Council regarding court management, budget, and administration of the courts.

2. The Secretariat shall develop and propose administrative rules necessary to implement the directives of the Council. All such rules shall be submitted to the Council for its approval.

3. The Secretariat shall propose to the Council new policies, rules and regulations whenever necessary for the efficient and effective administration of the courts.

4. The Secretariat shall report regularly to the Council on the work of the courts and make recommendations for improvements.

5. Subject to the directions of the Council and its Committee on Budget, Finance and Personnel, the Secretariat shall prepare a consolidated budget for the judiciary and administer the judiciary's approved budget.

6. Subject to the directions of the Council and its Committee on Budget, Finance and Personnel, the Secretariat shall manage the judiciary's administrative and support personnel including allocating administrative and support personnel to the courts based on workload, maintaining personnel records, establishing a performance appraisal system, ensuring the proper disciplining of court employees and the protection of their employment rights.

7. Subject to budgetary limitations and the directions of the Council, the Secretariat shall ensure that the courts are properly supplied with the materials necessary for the efficient and effective functioning of the courts.

8. The Secretariat shall provide administrative support to the Council and its Committees and undertake such other duties and authorities as the Council may direct.

9. The Council shall develop and adopt regulations relating to the organizational structure and the functioning of the Secretariat.

Article 28
Director of the Secretariat

1. A Director shall be selected, appointed and dismissed by the Council in accordance with procedures, criteria, and qualifications to be developed and adopted by the Council through regulations, which shall be consistent with Constitutional requirements and the requirements of applicable personnel regulations.

2. The Director shall be responsible to the Council for the efficient and effective administration of the Secretariat and the courts. The Director shall report directly to the Chairperson of the Council. The Director shall attend all Council meetings and shall respond to all Council requests for information.

3. The Council shall fix the salary of the Director of the Secretariat. The Director shall not accept additional compensation, other than reimbursement for reasonable and necessary expenses, for other duties or employment from any other source.

Article 29 Court Performance Review Unit

1. Under the direction of the Council and its Committee for Court Administration, the Court Performance Review Unit shall assess the work of courts and proposes to the Council policies or directions for reforming or improving the work of the courts.

2. The Council shall develop and adopt regulations relating to the organizational structure and the functioning of the Review Unit.

3. The Court Performance Review Unit shall have a separate budget within the judiciary's consolidated budget and shall independently report to the Council on its expenditures. The Secretariat shall provide such budgetary support to the Court Performance Review Unit as the Council may direct.

Article 30 Director of the Court Performance Review Unit

1. A Director of the Court Performance Review Unit shall be selected, appointed and dismissed by the Council in accordance with procedures, criteria, and qualifications to be developed and adopted by the Council through regulations which shall be consistent with Constitutional requirements and the requirements of applicable personnel regulations. A vacancy shall be filled based on a competitive, merit-based, and open process after public announcement of the position.

2. The Director shall be responsible to the Council for the efficient and effective administration of the Court Performance Review Unit. The Director shall report directly to the Chairperson of the Council. The Director shall respond to all Council requests for information.

3. The Council shall fix the salary of the Director of the Court Performance Review Unit. The Director shall not accept additional compensation, other than reimbursement for reasonable and necessary expenses, for other duties or employment from any other source.

Article 31 Court Administrators

1. Court Administrators shall be appointed and removed in compliance with law on Civil Service, in consultation with the President Judge of the respective court or the Supervising Judge of a branch where the Administrator will serve. All vacancies for Court Administrators shall be filled based on a competitive after public announcement of the position, in compliance with the Law on Civil Service.

2. Court Administrators may be removed through a defined process with rules of the Law on Civil Service.

3. Subject to the directions of the President Judge of a Court, or the Supervising Judge of a branch if applicable, and the rules, regulations and policy directives of the Council, the Court Administrators shall manage the court administrative functions, including but not limited to:

3.1. recording, drafting, and monitoring court statistics and reports;

3.2. recording and archiving court files and closed cases;

3.3. maintaining complete and accurate court files;

3.4. ensuring the security of the court;

- 3.5. managing the court administrative staff;
- 3.6. implementing and ensuring compliance with the applicable personnel regulations;
- 3.7. maintaining accurate financial accounts;
- 3.8. ensuring public access to court records and information that is subject to public disclosure;
- 3.9. assigning administrative staff to tasks as needed to ensure the efficient and effective operations of the court;
- 3.10. ensuring implementation and compliance with rules and procedures established by the Council;
- 3.11. undertaking such other tasks, duties and responsibilities as the President Judge or Supervising Judge may assign.

Article 32
Management Committee of the Basic Court

1. Each Basic Court shall have a Management Committee consisting of the President Judge of the Basic Court and the Supervising Judge of each of its Branches. The Chairperson of the Management Committee shall be the President Judge of the Basic Court.
2. The Management Committee shall meet regularly and not less than four (4) times during a year on the call of the President Judge to assess the work of the court and undertake any remedial actions, consistent with the rules and directives of the Council, necessary to improve the administrative operations of the court.
3. The Court Administrator of the Basic Court shall serve as the secretary to the Management Committee.

CHAPTER VI
DISCIPLINARY PROCEDURES

Article 33
Council's Disciplinary Committee

The Disciplinary Committee shall consist of three (3) members of the Council, two (2) of whom must be judges. The Chairperson of the Committee shall be a judge. Judges are appointed by the Council.

Article 34
Misconduct

1. For purposes of this law, misconduct of a judge or lay judge shall consist of the following:
 - 1.1. upon conviction for a criminal offense, with the exception of a minor offense as defined by law.
 - 1.2. negligence in performing, a failure to perform, or abuse of judicial functions.
 - 1.3. failure to perform judicial functions independently and impartially.
 - 1.4. violation of the applicable code of ethics.
2. Disciplinary Committee may suspend judge or lay-judge with pay during any period of investigation or during the disciplinary proceedings.
3. The Judicial Council shall issue rules that define the misconducts.

Article 35
Initiation of Disciplinary Proceedings

1. The Office of Disciplinary Counsel shall recommend to the Disciplinary Committee of the Council the initiation of disciplinary proceedings against a judge or lay judge on the basis of a conducted investigation.
2. Upon the recommendation of initiation of disciplinary proceedings, the Disciplinary Counsel shall in writing notify the Committee, the Council, and the judge or lay judge under investigation.

Article 36
Disciplinary Sessions

1. Upon initiation of a disciplinary proceeding, the judge or lay judge under investigation shall be notified of the basis of the disciplinary proceeding and shall be invited by the Disciplinary Committee to appear in person at a closed session which shall be held within thirty (30) days from the notification date.
2. A Disciplinary Counsel or the Director of the Office of Disciplinary Counsel shall present the recommendation for disciplinary action and the evidence obtained in the investigation supporting a finding of misconduct and disciplinary sanctions to the Disciplinary Committee.
3. Judges or lay judges have the right to self-representation or to engage an attorney for their defence and shall have access to all evidence obtained in the investigation and all case writings of the case.
4. The decision of the Committee whether misconduct occurred and whether to impose sanctions shall be made in accordance with procedures and rules to be promulgated by the Council to govern the conduct of disciplinary proceedings, shall be in writing and shall contain the justification. A copy of the decision made by the Committee shall be provided to the judge or lay judge and to the Office of Disciplinary Counsel.

Article 37
Disciplinary Measures

1. The Disciplinary Committee may impose the following disciplinary measures:
 - 1.1. reprimand;
 - 1.2. reprimand with a directive to take corrective actions;
 - 1.3. temporary reduction of salary by up to fifty percent (50%) taking into account the nature of misconduct; or
 - 1.4. propose the removal of a judge or lay judge from office.
2. The Disciplinary Committee shall impose a disciplinary measure that is consistent with the circumstances, level of responsibility, and consequences of the misconduct.
3. The Committee shall submit a written recommendation for the dismissal of a judge or lay judge from office to the Council, as provided in this law.
4. If the judge or lay judge is released from the charges at the completion of the disciplinary procedure, he or she shall return to his or her previous office upon the decision of the Council.

Article 38
Dismissal of Judges and Lay Judges

1. The Council shall determine, based on disciplinary proceedings, whether the misconduct of a judge or lay judge justifies the dismissal. Every recommendation from the Council for the dismissal of a judge or lay judge shall include the written reasons for such recommendation and the basic conclusions of the Committee.

2. The recommendation of the Council for dismissal, as foreseen in paragraph (1) of this article, shall, within fifteen (15) days, be submitted to the President and the judge or lay judge concerned.

3. The President, in accordance with the Constitution and this law, shall decide on the recommendation of the Council for dismissal.

4. Judges and lay judges shall formally be notified by the Council regarding the decision of the President for the approval or disapproval of dismissal from office before such a decision is enforced.

Article 39 Appeals of Disciplinary Decisions

1. Appeals against Disciplinary Committee decisions may be submitted to the Council. A Council member who attended the Disciplinary Committee proceedings shall not participate in the appeal process.

2. The judge or lay judge who is the subject of the decisions as well as the Office of Disciplinary Counsel may exercise an appeal to the Council against the Committee decision within fifteen (15) days from the receipt of the final decision.

3. The deadline for an appeal under this Article may be extended provided that the request for extension of time is filed with the Council within the fifteen (15) days provided. No extension of time for appeal filed after the fifteen (15) days shall be granted by the Council absent a showing of extraordinary or catastrophic circumstances.

4. An appeal exercised within these time limitations shall suspend the execution of the disciplinary decision.

Article 40 Reasons for appeal

1. An appeal may be pursued under the following circumstances:

- 1.1. violation of the law or sub-legal acts that are applicable for judges and lay judges.
- 1.2. mistaken or incomplete evidence or confirmation of the factual situation.
- 1.3. violation of disciplinary procedures.

2. The appeal shall be submitted in writing to the Council within the time limits provided in Article 39 of this law.

3. The appeal shall contain:

- 3.1. the identification of the appellant;
- 3.2. the decision to be appealed;
- 3.3. the decision receipt date; and
- 3.4. the grounds of the appeal.

Article 41 Deadline for Hearing Appeal

The Council shall hear and dispose of any appeal from the actions of the Disciplinary Committee within three (3) months from the date of the filing of the appeal.

Article 42
Appeal Refusal

1. The Council may refuse an appeal, without holding a hearing session, within five (5) working days of receipt of the appeal, if it is determined that:
 - 1.1. the appellant is not one of the parties entitled to appeal the decision;
 - 1.2. the appeal does not contain one or more permitted grounds for appeal; or
 - 1.3. the appeal was not filed in a timely manner.

CHAPTER VII
OFFICE OF DISCIPLINARY COUNSEL

Article 43
Office of Disciplinary Counsel

The Office of Disciplinary Counsel shall be established as a separate and independent body that serves both the Kosovo Judicial Council and the Kosovo Prosecutorial Council. With respect to the judicial system, the Counsel shall be responsible for investigating alleged misconduct of judges and lay judges and presenting the evidence and the case supporting disciplinary action for misconduct to the Disciplinary Committee.

Article 44
Independence and Impartiality of the Office of Disciplinary Counsel

1. The Office of Disciplinary Counsel shall act independently and impartially.
2. Subject to the provisions of paragraph 3 Article 36 of this law, no person shall have the right to exercise direct or indirect influence, or attempt to exercise influence, on the Disciplinary Counsel's functions pertaining to any investigation, recommendation, or presentation of a case to the Disciplinary Committee.

Article 45
Responsibilities of the Office of Disciplinary Counsel

1. The Office of Disciplinary Counsel is responsible for investigating judges or lay judges when there is a reasonable basis to believe that misconduct may have occurred, and for making recommendations and presenting the evidence supporting disciplinary action to the Disciplinary Committee.
2. The Office of Disciplinary Counsel shall initiate investigations in cases when:
 - 2.1. there is a complaint filed at the Office of Disciplinary Counsel by any natural or legal person;
 - 2.2. on its own initiative, when there is a reasonable basis to believe that a judge or lay judge may have engaged in misconduct.
3. All complaints, regardless of their origin, shall be submitted to the Office of Disciplinary Counsel for investigation.
4. The Office of Disciplinary Counsel shall investigate thoroughly all matters referred to it, shall determine whether recommendations of disciplinary action should be presented to the Disciplinary Committee, and shall notify in writing the Disciplinary Committee and the suspected judge or lay judge regarding the results of the investigation.
5. The Office of Disciplinary Counsel shall have the right to summon witnesses and documents as necessary to investigate and determine whether recommendations of disciplinary action should be presented to the Disciplinary Committee.

6. The Office of Disciplinary Counsel shall present recommendations of disciplinary action and the evidence supporting disciplinary action for misconduct to the Disciplinary Committee.

Article 46
Director of Office of Disciplinary Counsel

1. A Director of the Office of Disciplinary Counsel shall be selected by two-thirds (2/3) of the joint membership of both the Kosovo Judicial Council and the Kosovo Prosecutorial Council in accordance with personnel regulations. A vacancy shall be filled based on competitive process after public announcement of the position.

2. The Director of the Office of Disciplinary Counsel shall be responsible to both the Kosovo Judicial Council and the Kosovo Prosecutorial Council for the efficient and effective administration of the Office of Disciplinary Counsel and shall exercise his or her responsibilities pursuant to rules and regulations promulgated by both Councils.

3. The Director of the Office of Disciplinary Counsel shall receive a salary equivalent to a judge of the Court of Appeals. The Director shall not accept additional compensation, other than reimbursement for reasonable and necessary expenses, for other duties or employment from any other source.

Article 47
Qualifications of Director of Office of Disciplinary Counsel

1. The Director of the Office of Disciplinary Counsel must meet the following qualifications:

- 1.1. be a citizen and resident of Kosovo;
- 1.2. have a valid university degree in law, criminal justice, police administration or a related field according to the laws of Kosovo;
- 1.3. have at least five (5) years of relevant experience as a lawyer, judge, police officer, prosecutor or a related field of law enforcement or criminal justice administration;
- 1.4. have a positive professional reputation and moral integrity;
- 1.5. have successfully completed any training required for the position jointly mandated by the Kosovo Judicial Council and the Kosovo Prosecutorial Council;
- 1.6. not have been convicted for criminal offences, with the exception of minor offences as defined by law.

Article 48
Selection and Qualifications of Personnel of the Office of Disciplinary Counsel

1. The Office of Disciplinary Counsel, in consultation with the Council, and subject to the qualification criteria provided in this article, shall be authorized to select, appoint and dismiss Disciplinary Counsels. The Office shall assist in presenting recommendations for disciplinary action against judges and lay judges and the evidence supporting disciplinary action to the Disciplinary Committee. All vacancies shall be filled based on a competitive, merit-based, and open process after public announcement of a position.

2. Members of the Office of the Disciplinary Counsel must meet the following qualifications:

- 2.1. be a citizen and resident of Kosovo;
- 2.2. have a valid university degree in law, criminal justice, police administration or a related field according to the laws of Kosovo;
- 2.3. have a least three (3) year of relevant working experience as a lawyer, judge, police officer, prosecutor, or in a related field of law enforcement or criminal justice administration;

2.4. have a positive professional reputation and moral integrity;

2.5. have successfully completed any training required for the position jointly mandated by the Kosovo Judicial Council and the Kosovo Prosecutorial Council;

2.6. not have been convicted for criminal offences, with the exception of minor offences as defined by law.

3. The Director of the Office of Disciplinary Counsel shall be authorized, subject to the qualification criteria provided in this article, to select, appoint and dismiss Inspectors. Inspector shall assist in the conduct of the investigations for which the Disciplinary Counsel is responsible. All vacancies shall be filled based on a competitive, merit-based, and open process after public announcement of a position.

4. An Inspector of the Disciplinary Counsel must meet the following qualifications:

4.1. be a citizen and resident of Kosovo;

4.2. have at least three (3) year of relevant experience in the field of law enforcement, police work, criminal justice administration, or a related field;

4.3. have a positive reputation in society;

4.4. have successfully completed any training required for the position jointly mandated by the Kosovo Judicial Council and the Kosovo Prosecutorial Council;

4.5. not have been convicted for criminal offences, with the exception of minor offences.

5. The Director of the Office of Disciplinary Counsel shall also be authorized to select, appoint and dismiss, consistent with Constitutional requirements and the requirements of applicable personnel regulations, administrative and support personnel as needed to provide administrative support for the functions of the Director, the Disciplinary Counsels, and the Inspectors of the Office of Disciplinary Counsel.

Article 49 Budget for Office of Disciplinary Counsel

The Director of the Office of Disciplinary Counsel shall submit annually directly to the Ministry of Finance and Economy a separate budget for the funding of the salaries of the personnel of the Office of Disciplinary Counsel, including the Director, the Disciplinary Counsels, the Inspectors, and the administrative and support personnel, and the other expenses of operating the Office of Disciplinary Counsel. The budget for the Office of Disciplinary Counsel shall be administered by the Secretariat of the Kosovo Judicial Council upon the direction and certification of the Director of the Office of Disciplinary Counsel. The Kosovo Judicial Council shall have no authority to limit or otherwise direct the expenditures of the Office of Disciplinary Counsel nor shall the Kosovo Judicial Council have the authority to reallocate the budget of the Office of Disciplinary Counsel or utilize funds appropriated to the Office of Disciplinary Counsel for any other purpose. The Director of the Office of Disciplinary Counsel shall report annually to a joint session of the Kosovo Judicial Council Kosovo Prosecutorial Council on the activities and expenditures of the Office of Disciplinary Counsel.

CHAPTER VIII JUDICIAL TRAINING

Article 50 Training Policies, Standards and Instructions

The Council in coordination with the Kosovo Judicial Institute shall determine the policies, standards and directives for regulating the training of judges, lay judges and other judiciary staff.

Article 51
Delegation of Responsibilities for Judicial Training

1. The Council may cooperate with other associations or organizations with the aim of professional training of judges and lay judges.
2. The Council may create associations or other organizations for the implementation of further professional training of judges and lay judges.
3. The Council may require the revision of any training program in order to ensure the implementation of policies and standards for the professional training of judges and lay judges.

CHAPTER IX
FINAL PROVISIONS

Article 52
Temporary Composition of the Council

1. Until the end of the international supervision of the implementation of the Comprehensive Proposal for Kosovo Status Settlement the Council shall be composed as foreseen by article 151 of the Constitution.
2. Until the end of the international supervision of the implementation of the Comprehensive Proposal for Kosovo Status Settlement two (2) out of the four (4) members elected by deputies holding seats attributed during the general distribution of seats shall be international members selected by the International Civilian Representative on the proposal of EULEX in compliance with article 151(2) of the Constitution. One of the international members shall be a judge.

Article 53
Transition to the Prosecutorial Council

1. Until the establishment of the Prosecutorial Council provided in Article 110 of the Constitution, the duties and functions of that Council related to public prosecution shall be exercised by the Kosovo Judicial Council.
2. The prosecutors who are members of the Council at the time the Prosecutorial Council is established shall transfer to the Prosecutorial Council and remain there until the natural expiration of their term.
3. A vacancy on the Council caused by the transfer of any prosecutor or prosecutors then serving on the Council to the Prosecutorial Council shall be filled as foreseen in this law or Article 151(1) of the Constitution.

Article 54
Validity of Prior Actions of the Council Established under UNMIK Administrative Regulation 2005/52 and the Law on the Temporary Composition of the Kosovo Judicial Council

1. All prior administrative actions of the Council taken under UNMIK Administrative Regulation 2005/52 or pursuant to the Law on the Temporary Composition of the Kosovo Judicial Council, including the promulgation of any rule, regulation, fee schedule, directive, or other official action, shall remain valid and in effect unless abrogated by this law or until such time as the Council modifies, repeals or clarifies such actions.
2. All prior actions of the Council regarding the appointment, transfer or discipline of judges shall remain valid and in effect unless abrogated by this law or subsequent legal act.
3. All prior personnel actions of the Council regarding the appointment, promotion, transfer or dismissal of administrative employees shall remain valid and in effect unless abrogated by this law or subsequent Council action.

Article 55
Repeal

This law shall repeal the UNMIK Regulation No. 2005/52, as well as all other legal provisions that conflict with it.

Article 56
Entry into force

This law shall enter into force six (6) months after its promulgation in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-223
30 September 2010

Promulgated by Decree No. DL-053-2010, dated 18.10.2010, Acting President of the Republic of Kosovo, Dr. Jakup Krasniqi.